IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

WRIT PETITION NO.6825 OF 1998

Abasaheb Ramchandra Mane ... Petitioner

V/s.

The District Collector, Solapur
& Anr. ... Respondents

Mr.S.G. Kudle for Petitioner
Mr.C.R. Sonawane, AGP, for Respondents

CORAM: **V.G. PALSHIKAR &**
SMT.NISHITA MHATRE, JJ.

DATED: **JANUARY 17, 2005**

P.C.:

. By this Petition, the Petitioner has impugned the order passed by Maharashtra Administrative Tribunal rejecting the claim of the Petitioner on interpretation of the Government Resolution which then existed. The Government Resolution subsequently was amended and the plea of the Petitioner that the subsequent amendment of necessity being prospective was liable to considered before dismissing the Original Application of the Petitioner. A perusal of the impugned order will show that there is no consideration of this contention which is a pure question of law. In view of the fact that the Administrative Tribunal is a Court of first instance, it is necessary that its finding on all issues are before this Court when the legality of its order is to be

questioned. In our opinion, interest of justice requires that the impugned order is set aside and the matter is remitted back to the Tribunal for proper decision in accordance with law including the contention of the prospective application of the Government Resolution.

2. The Petition, accordingly, succeeds and is partly allowed. The impugned order is set aside and the matter is remitted back for decision in light of the observations hereinbefore. As far as possible, the matter shall be decided within six month from today.

3. Certified copy expedited.